IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 17777 of 2007(N)

PETITIONER:

T.P.ZAINABI,
BRANCH MANAGER, KOZHIKODE NORTH SERVICE
CO-OPERATIVE BANK, KARUVASSERI, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. CALICUT NORTH SERVICE CO-OPERATIVE
BANK LTD., REPRESENTED BY ITS SECRETARY,
KOZHIKODE.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, KOZHIKODE.

3. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, KOZHIKODE.

4. CO-OPERATIVE EXAMINATION BOARD,
REP. BY ITS SECRETARY, TRIVANDRUM.

ADDL. R5 IMPLEADED.

5. SURESH, S/O. KUNJIRAMAN,
KARUVISSERY, KOZHIKODE.

ADDL. R6 IMPLEADED.

6. GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF CO-OPERATION,
THIRUVANANTHAPURAM.

ADDL. R5 IS IMPLEADED AS PER ORDER IN I.A.7906/2007 DTD.25.6.2007.

ADDL. R6 IS SUO MOTU IMPLEADED AS PER JUDGMENT IN THE WRIT PETITION DATED 25.6.2007.

R1 BY ADV. SRI.T.A.SHAJI.
R2 TO R5 BY SRI. P.N. MOPHANAN.
R6 BY SR. GOVT. PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.17777 of 2007

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Dated this the 25th day of June, 2007

JUDGMENT

Petitioner is working as Branch Manager. She got exemption by Ext.P3 order as she does not possess degree. The post of Assistant Secretary has fallen vacant. Instead of appointing the petitioner by promotion, the Bank has resorted to direct recruitment. This is illegal is the case of the petitioner.

2. I heard learned counsel appearing for the respondent Bank Sri. T.A. Shaji, learned Government Pleader on behalf of respondents 2 to 4 and Sri. P.N.Mohanan, learned counsel appearing for the additional respondent.

3. Government of Kerala represented by Secretary, Department of Co-operation, Thiruvananthapuram is suo motu impleaded as additional sixth respondent. Government Pleader appears for the additional sixth respondent.

4. It is not in dispute that pending the writ petition the second respondent passed an order directing appointment of the petitioner. It

is also not in dispute that the first respondent Bank has carried the matter in appeal before the additional sixth respondent. There is an order staying the order of the second respondent. In such circumstances I feel that a decision should be taken on the appeal by the first respondent against the order passed by the second respondent after hearing all the parties within a time limit.

Accordingly the writ petition is disposed of directing the additional sixth respondent to consider and take a decision on the appeal filed against the order passed by the second respondent, Appeal No.8087/C3/07, within a period of six weeks from the date of production of a copy of this judgment after hearing the petitioner, the first respondent and the additional fifth respondent. Till such time as a decision is taken by the Government, no appointment shall be made to the post of Assistant Secretary.

(K.M. JOSEPH, JUDGE)

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